

(X)

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/970,846	SUGAR ET AL.	
	Examiner Raj Jain	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 6/28/05.
2.  The allowed claim(s) is/are 1-4, 6-125 and 136-143.
3.  The drawings filed on 05 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All      b)  Some\*      c)  None      of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material.</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>50</u>.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Floam on October 20, 2005.

Cancel claims 5, 126-135 and 144 and 145.

### *Allowable Subject Matter*

Claims 1-4, 6-125, and 136-143 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 24, 47 and 68, the prior art discloses a wireless communications system with plurality of wireless communication devices communicating in a frequency band using differing protocols for communications between the first and second devices as appropriate.

The prior art however fails to disclose or fairly suggest a method for transmitting a guard packet from a first communication device in accordance with the first communication protocol, formatted to alert and inform the receiving communications

devices that use the first communication protocol to "refrain" from communication for a period of time in the frequency band to enable transmission or reception by the first communication device in accordance with second communications protocol so as to prevent collision within the same frequency band.

Regarding claims 74, 94-96, 98, 102-104, and 120-122, the prior art discloses a wireless communications system with plurality of wireless communication devices communicating in a frequency band using first or second communications protocols within a given frequency band.

The prior art fails to disclose or fairly suggest the use of a second communications protocol for transmission within a plurality of time slots within a given frequency band and determining frequencies associated with each of the plurality of time slots of the communications frame using the second communications protocol and further, determining whether the frequencies associated with the plurality of timeslots of the second communications protocol partially overlap with at least one frequency range used by the first communications protocol in a given frequency band.

Regarding claims 136 and 140, the prior art discloses a wireless communications system with plurality of wireless communication devices communicating in a frequency band using first or second communications protocols within a given frequency band.

The prior art however fails to disclose or fairly suggest that the same device simultaneously transmits first and second signals that partially overlap in frequency

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bandwidth by filtering out a portion of one of the signals to make room for the other signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

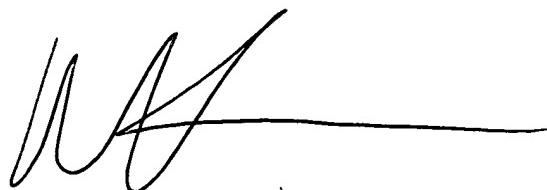
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax number for the organization where this application is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

RJ  
October 23, 2005

A handwritten signature in black ink, appearing to read "RJ", is positioned below the typed name and date. It consists of two stylized loops followed by a horizontal line.